

**AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY  
MINUTES OF A PUBLIC HEARING**

DATE.....August 27, 2003  
TIME.....7:00 P.M.  
PLACE.....CO. OFFICE BLDG.  
20 N. 3<sup>RD</sup> STREET  
LAFAYETTE IN 47901

**MEMBERS PRESENT**

Ralph Webb  
Mark Hermodson  
Jean Hall  
Steve Clevenger  
Gary Schroeder  
Bruce Junius  
Edward Weast

**MEMBERS ABSENT**

**STAFF PRESENT**

Sallie Fahey  
Jay Seeger, Atty.  
Michelle D'Andrea

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held on the 27<sup>th</sup> day of August 2003, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

President Mark Hermodson called the meeting to order.

**I. APPROVAL OF MINUTES**

Steve Clevenger moved to approve the minutes of the July 23, 2003 public hearing. Jean Hall seconded and the motion carried by voice vote.

**II. NEW BUSINESS**

*None*

**III. PUBLIC HEARING**

Steve Clevenger moved that there be incorporated into the public hearing portion of each application to be heard this evening and to become part of the evidence at such hearing, the Unified Zoning Ordinance, the Unified Subdivision Ordinance, the Comprehensive Plan, the By-laws of the Area Board of Zoning Appeals, the application and all documents filed therewith, the staff report and recommendation on the application to be heard this evening and responses from the checkpoint agencies. Jean Hall seconded and the motion carried by voice vote.

Mark Hermodson waived the reading of the meeting procedures because of the small size of the audience.

- 1. BZA-1643—BROTHERS OF WEST LAFAYETTE, INC.:** Petitioner is seeking a sign variance to allow 212 sq. ft. of signage instead of the maximum permitted 52 sq. ft. for a bar and grill located in the Village at 306 W. State Street, West Lafayette, Wabash 19(NE)23-4.(UZO 4-8-5)  
CONTINUED FROM THE JULY MEETING BECAUSE OF LACK OF PROOFS OF PUBLICATION.

Steve Clevenger moved to hear and vote on the above-described request. Jean Hall seconded the motion.

Sallie Fahey presented slides of the zoning map, aerial photo and 6 photographs. She read the staff report with recommendation of denial.

Larry O'Connell 223 Main Street, Lafayette, IN, representing the petitioner, presented additional pictures showing renditions of the proposed sign. He stated that the hardship was the configuration of the intersection. He explained the arrangement of all the streets at the intersection. He pointed out that most people approach the area at an angle. He mentioned that Brothers of West Lafayette has already improved this site. He said that they are willing to clean up the graffiti that is on the building by utilizing this very tasteful sign. He stated that they were adding class to the village by adding this type of sign. He

offered the suggestion of adding "The Village" to the bottom of the mural. He reiterated that the hardship involved was the configuration of the intersection. He pointed out all of the obstacles in view of this building including the overhangs from adjoining businesses and the angle of the streets. He mentioned that a business across the street had a similar sign.

Jean Hall asked how this approval would carry over if the business is sold or the name of the business is changed.

Sallie Fahey stated that this approval would not carry over because it is based on this particular site plan.

Bruce Junius asked if the business across the street that had a similar sign was within the limits of the ordinance or if they had been granted a variance.

Sallie Fahey stated that she did not know the pedigree of the sign across the street. She said that it has been up there a long time and could have been approved when West Lafayette still had its own BZA.

Mark Hermodson pointed out that the mural for Harry's Chocolate Shop was approved by the ABZA.

Bruce Junius stated that normally he would be against a petition such as this. He pointed out that there are a lot of signs in West Lafayette that meet the ordinance requirements, but are not aesthetically appealing. He said that he did not agree with the argument for hardship, but the aesthetic appeal makes it worthwhile. He stated that he was in favor of removing the graffiti and was pleased that the approval would not carry over to a new business or new name.

Jean Hall stated that the aesthetics of the sign were a plus. He pointed out that graffiti could be removed without putting up more signage. He mentioned that if this were approved, another business in the building next door could petition for another sign, which would be in conflict of this sign. He stated that signage is not the only way to improve the look of the building.

Jay Seeger pointed out that the Board does not vote on aesthetics. He stated that the test is whether the proposed variance is justified based on the hardship test.

Larry O'Connell stated that he understood. He said that the configuration of the intersection falls within the guidelines of hardship. He mentioned that it was just an added bonus that they were able to show how nice the sign would look.

Jean Hall asked for clarification on the different obstacles that are creating the proposed hardship.

Larry O'Connell stated that it was not just the overhangs from the other businesses, but also the configuration of the intersection. He pointed out that vehicles do not run at a normal angle.

Jean Hall pointed out that it was a good angle to see the front of the building with its normal pre-approved signage. He mentioned that there were a lot of flashing lights that make it hard to miss.

Edward Weast asked for elaboration on how an approval would impact future owners or name change. He stated that he thought that if a size of a sign was approved, it was approved forever.

Jay Seeger stated that was correct, but still based upon the site plan for that sign. He explained that the name on the sign can change or the sign can be repainted, so long as the configuration does not change.

Bruce Junius asked what hardship was involved when Harry's Chocolate Shop was approved.

Mark Hermodson stated that there was a claim of hardship, but could not recall the exact issue. He mentioned that there was also a contention of a historic background of a mural on that site.

Larry O'Connell pointed out that this sign was designed to fit in with the area and give class and tone to the village.

The Board voted by ballot 4 to grant –3 to deny thus granting **BZA-1643—BROTHERS OF WEST LAFAYETTE, INC.**

**Yes votes**

Gary Schroeder  
Mark Hermodson  
Bruce Junius  
Ralph Webb

**No Votes**

Jean Hall  
Steve Clevenger  
Edward Weast

Mark Hermodson stated that unless any member has an objection the chair will order the findings of each member casting a vote for the majority decision of the Board to be the collective findings of the Board in support of the decision of the Board. Hearing none, it is so ordered.

**IV. ADMINISTRATIVE MATTERS**

**V. ADJOURNMENT**

Steve Clevenger moved to adjourn the meeting. Jean Hall seconded and the motion carried by voice vote.

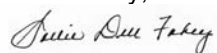
The meeting adjourned at 8:10 P.M.

Respectfully submitted,



Michelle D'Andrea  
Recording Secretary

Reviewed by,



Sallie Dell Fahey  
Assistant Director